

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT

Notice to Receive Interested Party Comments on a Proposed Consent Judgement to Recover Cleanup and Removal Costs including Natural Resource Damages for the Nicol Site in Manchester Township, Ocean County.

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a Consent Judgment concerning the recovery of unreimbursed cleanup and removal costs for the property known as the Nicol site located at 2065 Highway 37, Manchester Township, Ocean County, New Jersey (the Site). The Site is also known and designated as Block 44, Lot 15.01, on the Tax Map of Manchester Township, which the Department has designated as Site Remediation Program Interest No. 016764.

The Department, under the authority of N.J.S.A. 13:1D-1 to -19, and by the authority of the New Jersey Spill Compensation and Control Act (the Spill Act), N.J.S.A. 58:10-23.11 to -23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29 and pursuant to the authority vested in the Administrator of the New Jersey Spill Compensation Fund (the Administrator) pursuant to the Spill Act and authority delegated to the Assistant Director of the Enforcement and Information Support Element within the Site Remediation Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Consent Judgment with Robert E. Johnson; South Brunswick Asphalt; Thomas Nicol Asphalt Company, Inc. and Thomas Nicol Company, Inc.,

Under the terms of the proposed Consent Judgment, Robert E. Johnson; South Brunswick Asphalt; Thomas Nicol Asphalt Company, Inc. and Thomas Nicol Company, Inc. shall pay the Department \$10,010,000 in satisfaction of all past Cleanup and Removal Costs, Future Cleanup and Removal Costs, and Natural Resource Damages.

It is the intent of the Department and Robert E. Johnson; South Brunswick Asphalt; Thomas Nicol Asphalt Company, Inc. and Thomas Nicol Company, Inc. that the Consent Judgment constitutes an administratively approved settlement within the meaning of 42 U.S.C. §9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act, for the purpose of providing protection from contribution actions or claims for matters addressed in this Administrative Consent Order.

Copies of the proposed Consent Judgment are available for inspection at the Departments' main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/legal. A copy of the Departments' files concerning the Site is available for review by contacting the Office of Records Access, NJDEP, P.O. Box 420, Mail Code 401-06Q, Trenton, New Jersey 08625-0420 or via email at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of this Consent Judgment to:

Kevin Kratina, Assistant Director,
New Jersey Department of Environmental Protection
Site Remediation Program/Enforcement & Investigations
Mail Code 401-06A

P.O. Box 420

Trenton, New Jersey 08625-0420

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the entry of the Consent judgment if comments received disclose facts or considerations which show that the Consent Judgment is inappropriate, improper or inadequate.

Date

Kevin Kratina, Assistant Director
Enforcement & Information Support Element
Site Remediation Program